

REMARKS

Claims 15-26 have been rejected and remain pending. In addition, claim 25 has been amended herein to clarify that it is the extracranial administration that is an intraperitoneal administration. No new matter has been added. In addition, this amendment does not change the scope of previously presented claim 25.

The Examiner indicated that Applicants' terminal disclaimer over U.S. Patent No. 6,472,209 was not filed. Applicants' respectfully submit that a copy of that terminal disclaimer was filed as evidenced by the attached date-stamped, return postcard. For the Examiner convenience, another copy of this terminal disclaimer is submitted herewith.

In light of the following remarks, Applicants respectfully request reconsideration and allowance of claims 15-26.

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner rejected claim 25 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that there is insufficient antecedent basis for the limitation "wherein said administration is an intraperitoneal." Applicants respectfully disagree. To further prosecution, however, claim 25 has been amended herein to recite that the extracranial administration is an intraperitoneal administration.

In light of the above, Applicants respectfully request withdrawal of the rejection of claim 25 under 35 U.S.C. § 112, second paragraph.

Double Patenting

The Examiner rejected claims 15-24 and 26 under the judicially-created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1, 3-11, 13, and 17-18 of U.S. Patent No. 6,989,270. A terminal disclaimer has been filed herewith obviating the this obviousness-type double patenting rejection. Thus, this rejection is moot.

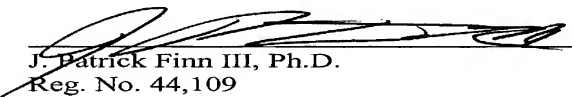
CONCLUSION

Applicants respectfully assert that claims 15-26 are in condition for allowance, which action is requested. The Examiner is invited to telephone the undersigned if such would expedite prosecution.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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